

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-9 are presently pending in this case. Claims 1-9 are amended by the present amendment. As amended Claims 1-9 are supported by the original disclosure,<sup>1</sup> no new matter is added.

In the outstanding Official Action, Claims 1, 4, and 7 were rejected under 35 U.S.C. §112, first paragraph; and Claims 1-9 were rejected under 35 U.S.C. §103(a) as unpatentable over Taketsugu (U.S. Patent Application Publication No. 2001/0050909) in view of Okumura (U.S. Patent Application Publication No. 2003/0003942).

With regard to the rejection of Claims 1, 4, and 7 under 35 U.S.C. §112, first paragraph, Claims 1, 4, and 7 are amended to recite “a control channel and a user channel.” It is further respectfully submitted that “when the channel quality of the control channel does not satisfy the required channel quality, the communicating unit is configured to communicate at least the target circuit quality for the control channel to the target circuit quality determining unit” is clearly supported at least by the specification at page 9, lines 19-25. In fact, page 9, lines 19-25 states “On the other hand, when a channel quality measured by the control transport channel quality measuring unit 35 ***does not satisfy a target channel quality for the control transport channel***, the control transport channel target SIR updating unit 36 increases a target SIR for the control transport channel.” (Emphasis added.) The outstanding Office Action noted the above disclosure, but somehow concluded it did not support the claimed invention. If the present rejection is to be maintained, further explanation of how this disclosure does not support the claimed invention is requested.

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<sup>1</sup>See, e.g., the specification at page 12, line 25, page 13, lines 1-2, page 15, lines 19-22, page 21, lines 15-21, and Figures 4-6, and 8.

Consequently, it is respectfully submitted that Claims 1, 4, and 7 are in compliance with all requirements under 35 U.S.C. §112, first paragraph.

With regard to the rejection of Claims 1, 4, and 7 as unpatentable over Taketsugu in view of Okumura, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

a measuring unit configured to measure channel qualities of a control channel and a user channel separated from the received signal;

an updating unit configured to update target circuit qualities for the control channel and the user channel, based on results of measurement of the channel qualities by the measuring unit; and

a target circuit quality determining unit configured to determine, in a predetermined period, the target circuit quality for the received signal, based on the target circuit qualities for the control channel and the user channel updated by the updating unit, so that all of the control channel and the user channel satisfy a required channel quality; wherein,

***when the channel quality of the control channel does not satisfy the required channel quality, the target circuit quality determining unit is configured to determine the target circuit quality for the received signal, based on at least the target circuit quality for the control channel, even when the predetermined period has not yet finished.***

Taketsugu describes a radio base station which updates a target transmission capacity in a wired line between a radio base station and a mobile terminal based on the measured practical transmission speed of the data in the wireless line between the radio base station and the mobile terminal.<sup>2</sup> Okumura describes a method for determining a target SIR used in an outer loop transmits power control. Okumura describes that the control channel/user channel target SIR is updated based on the result of channel quality of channel 1 and channel 2 separated from a received signal. Further, a target SIR for the received signal is determined in a predetermined period based on the updated control channel/user channel target SIR, so

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<sup>2</sup>See Taketsugu, paragraphs 34-41 and 58.

that boasts the control channel and the user channel satisfy a required channel quality.<sup>3</sup> However, Taketsugu at most describes determining a practical transmission speed of packets in a wired line, and does not describe determining a target circuit quality for received signal used in an outer loop transmit power control, as defined in the pending claims. Further, Okumura is not intended to prevent all communication (both indication by using the control channel and communication using the user channel) between the base stations and mobile stations from failing due to a receive error of the control channel during a predetermined period (before a next update of the target SIR). Therefore, Okumura cannot disclose or suggest determining a target circuit quality for a received signal, based on at least a target circuit quality for a control channel, *even when a predetermined period for updating the target circuit quality for the received signal has not yet finished*, when the channel quality of the control channel does not satisfy the required channel quality.

Accordingly, it is respectfully submitted that neither Taketsugu nor Okumura teach or suggest “a target circuit quality determining unit” as defined in amended Claim 1. Consequently, as the proposed combination of Taketsugu and Okumura does not teach or suggest all the elements of amended Claim 1, Claim 1 (and Claims 2 and 3 dependent therefrom) is patentable over Taketsugu in view of Okumura.

Amended Claim 4 recites in part:

determining, in a predetermined period, the target circuit quality for the received signal, based on the target circuit qualities for the control channel and the user channel, so that all of the control channel and the user channel satisfy a required channel quality; wherein,

*when the channel quality of the control channel does not satisfy the required channel quality, determining the target circuit quality for the received signal, based on at least the target circuit quality for the control channel, even when the predetermined period has not yet finished.*

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<sup>3</sup>See Okumura, paragraphs 105 and 113.

As noted above, Taketsugu at most describes determining a practical transmission speed of packets in a wired line, and does not describe determining a target circuit quality for received signal used in an outer loop transmit power control, as defined in the pending claims. Further, as Okumura is not intended to prevent all communication (both indication by using the control channel and communication using the user channel) between the base stations and mobile stations from failing due to a receive error of the control channel during a predetermined period (before a next update of the target SIR), Okumura cannot disclose or suggest determining a target circuit quality for a received signal, based on at least a target circuit quality for a control channel, *even when a predetermined period for updating the target circuit quality for the received signal has not yet finished*, when the channel quality of the control channel does not satisfy the required channel quality. Consequently, amended Claim 4 (and Claims 5 and 6 dependent therefrom) is also patentable over Taketsugu in view of Okumura.

Amended Claim 7 recites in part:

means for determining, in a predetermined period, the target circuit quality for the received signal, based on the target circuit qualities for the control channel and the user channel updated by the means for updating, so that all of the control channel and the user channel satisfy a required channel quality; wherein,

*when the channel quality of the control channel does not satisfy the required channel quality, the means for determining a target circuit quality determines the target circuit quality for the received signal, based at least on the target circuit quality for the control channel, even when the predetermined period has not yet finished.*

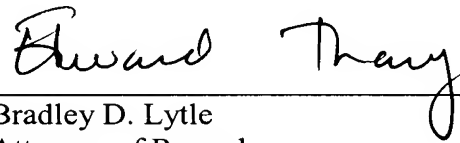
As noted above, Taketsugu at most describes determining a practical transmission speed of packets in a wired line, and does not describe determining a target circuit quality for received signal used in an outer loop transmit power control, as defined in the pending claims. Further, as Okumura is not intended to prevent all communication (both indication by using the control channel and communication using the user channel) between the base

stations and mobile stations from failing due to a receive error of the control channel during a predetermined period (before a next update of the target SIR), Okumura cannot disclose or suggest means for determining a target circuit quality for a received signal, based on at least a target circuit quality for a control channel, *even when a predetermined period for updating the target circuit quality for the received signal has not yet finished*, when the channel quality of the control channel does not satisfy the required channel quality. Consequently, amended Claim 7 (and Claims 8 and 9 dependent therefrom) is also patentable over Taketsugu in view of Okumura.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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